

REMARKS

Claims 1 – 19 are in the application. By this amendment, the drawings have been corrected. Claim 6 has been amended. Claim 20 has been cancelled.

Claims 14 – 17 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicants regard as an invention. Regarding Claim 14, the Examiner states that it is unclear what the difference between “closure panel”, “opening panel” and “base panel” is. Applicants respectfully traverse this rejection of Claim 14 and Claims 15 – 17, which depend therefrom, and request that each of Claims 14 – 17 be reconsidered in view of these remarks and passed to issue over the Examiner’s rejection.

As set forth in Applicants’ specification in many places, the term “closure panel” means a structure such as a door or glass which functions to close or fill in an opening in a vehicle. “Opening panel” on the other hand, means part of an automotive body having or defining an aperture which then may be closed by a closure panel such as a door or movable hatch or glass or other such device. As used in Claim 14, the term “base panel” means a first one of an opening panel and a closure panel. In other words, depending on whether a weather strip is attached to, for example, a door or a door way, the base panel may be either an opening panel or a closure panel. Which is clear is that the weather strip is not attached to both panels, but may be attached to either a fixed or a movable panel. Applicants respectfully submit that this meaning is clear from Claim 14 and as a result each of Claims 14 – 17 should be passed to issue over the Examiner’s rejection. As noted above, Claim 20 has been cancelled and rejection of this claim has therefore been rendered moot.

Claims 1 – 3, 5 – 12, 14 – 16 and 18 – 20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Wolff, U.S. Patent 5,489,104 (“Wolff”). The Examiner states that Wolff discloses a weather strip adapted for installation between a closure panel and a body including a carrier for mounting the weather strip, a foundation bulb extending laterally

across the carrier, with the foundation bulb having an outer wall supported by a plurality of upstanding symmetrical sidewalls, with the sidewalls being integral with a base which is itself integral with the carrier.

The Examiner asserts that Wolff has a contactor bulb which is supported entirely by the foundation bulb, with the contactor bulb having a base which is integral with the outer wall of the foundation bulb and which extends laterally across a portion of the outer wall of the foundation bulb. Finally, the Examiner asserts that Wolff shows a contactor bulb having an outer contact portion for sealingly engaging at least a portion of the closure panel. Applicants respectfully traverse this rejection and request that Claim 1 be reconsidered in view of these remarks and passed to issue over the Examiner's rejection.

Although Wolff discloses a weather strip having two bulbs, Wolff neither teaches nor suggests Applicants' claimed invention as set forth in Claim 1. Applicants' claimed invention is drawn to a weather strip adapted for installation between a closure panel and a body of a vehicle and having a carrier for mounting the weather strip. A foundation bulb extends laterally across the carrier, with the foundation bulb having an outer wall supported by a plurality of upstanding symmetrical sidewalls, with the sidewalls being integral with the base, which is itself integral with the carrier. A contactor bulb is supported entirely by the foundation bulb. The contactor bulb has a base which is integral with the outer wall of the foundation bulb and which extends laterally across a portion of the outer wall of the foundation bulb. The contactor bulb has an outer contact portion for sealingly engaging at least a portion of the closure panel. Wolff cannot comprise a colorable basis for the rejection of Applicants' Claim 1 because Wolff has sidewalls which are not symmetrical, as is clearly evident from a careful reading of Wolff's figures 2 – 5. More precisely, the lower portion of sidewalls of Wolff's hollow chamber 30 appears to be concave to a greater extent than the sidewall of the upper portion of Wolff's chamber 30. This is an important difference between Wolff's disclosure and the claimed invention, because this leads to weather strip "roll over", which is inveighed against in Applicants' specification.

Wolff does not have a contactor bulb per se, rather Wolff has a rubberized carrier upon which two cat whiskers 36 and 38 are mounted. To call Wolff's structure 32 a "bulb" is to use this term in a manner contrary to the generally accepted industry definition employed by Applicants. In the weather strip art, the term "bulb" means a tubular structure which deforms in response to imposed force. The fact is that Wolff's structure 32 having his cat whiskers or longitudinally extending lips, is not a bulb, but rather a carrier having a rigid armature 32 of steel or plastic molded therein.

Even if Wolff's structure 32 were properly termed a "bulb", which is not proper, Wolff's structure 32 is not supported entirely by Wolff's foundation structure 26. As seen in Figures 2, 3, 4 and 5, Wolff's structure 34 is supported in part by sealing lip 38. It appears that sealing lip 38 is required to prevent Wolff's structure from rolling over. The phenomenon of roll over is discussed in Applicants' specification in paragraphs 4, 11, 21, 24 and 29. As noted above, it seems clear that Wolff's weather strip relies on support provided by his longitudinally extending lip 38 to avoid roll over. In sum, Wolff cannot comprise a colorable basis for rejection of Applicants' Claim 1 under 35 U.S.C. 102.

Regarding Claim 2, the Examiner states that Wolff discloses a weather strip wherein the base of a contactor bulb which the Examiner describes as element 32 extends across one-third of the outer wall of Wolff's foundation bulb 28. Applicants respectfully traverse this rejection and request that Claim 2 be reconsidered in view of these remarks and passed to issue over the Examiner's rejection. The Examiner is in error in the assertion that Wolff's structure 32 extends approximately over one-third of the outer wall of the foundation bulb. Fact of the matter is Wolff's contactor element extends across almost the entire outer wall of Wolff's base. The Examiner needs to remember that Wolff's base has two asymmetrical sidewalls and an end wall or outer wall, and Wolff's contacting structure, which is noted above, is not a bulb, but does extend over the entire outer wall of Wolff's base. This is clearly seen from Wolff's figure 4. As a result, Claim 2 should be passed to issue over the Examiner's rejection. Such action is earnestly solicited.

Regarding Claim 3, the Examiner states that Wolff discloses a weather strip according to Claim 1 wherein the outer wall of the foundation bulb 30 is generally convex when the weather strip is not loaded. Applicants respectfully traverse this rejection and request that Claim 3 be reconsidered in view of these remarks and passed to issue over the Examiner's rejection.

Applicants are puzzled as to the Examiner's citation of figure 4 of Wolff inasmuch as figure 4 shows Wolff's weather strip in a loaded condition. Moreover, Wolff's outer wall i.e. that portion of the foundation bulb to which his ceiling structure 32 is attached, is not convex but rather straight as shown in figure 4. As a result, Claim 3 is allowable over the Examiner's rejection and should be passed to issue. Such action is earnestly solicited.

Regarding Claim 5, the Examiner states that the compliance of Wolff's foundation 30 in response to a normally directed load is greater than the compliance of contactor bulb 32. The Examiner states that Wolff's contactor bulb includes a reinforcement and therefore the foundation bulb is inherently more compliant than the contactor bulb. Applicants respectfully traverse this rejection and request the Claim 5 be reconsidered in view of these remarks and passed to issue over the Examiner's rejection.

As noted above, Wolff does not use a contactor bulb. Rather, the contacting is done by two flexible strips, cat whiskers 36 and 38. No portion of a bulb touches glazing material 8 in the structure illustrated by Wolff. Inasmuch as Claim 5 adds a further limitation to Claim 1, which is allowable over Wolff, Claim 5 is therefore allowable over Wolff and should be passed to issue over the Examiner's rejection. Such action is earnestly solicited.

Regarding Claim 6, the Examiner states that Wolff's device is such that inherently, the sealing force exerted by Wolff's weather strip would be generally invariant over a predetermined range of compression distances. Applicants respectfully traverse this rejection and request that Claim 6 be reconsidered in view of these remarks and passed to issue over the Examiner's rejection.

It is clear that Wolff teaches away from a sealing force which is generally invariant over a predetermined range of compression thickness. Rather, Wolff teaches changing the pressure and his chamber 30, while pulling a vacuum via line 49 upon the area 40 extending between his longitudinally extending lips 36 and 38 so as to provide a seal at various air pressure differential acting on vehicle glass. These actions will drastically change the sealing force, in line with Wolff's teaching regarding more force being necessary at higher vehicle speeds. Thus, Claim 6 is allowable over the Examiner's rejection and should be passed to issue. Such action is earnestly solicited.

Regarding Claim 7, the Examiner states that Wolff discloses that a weather strip could be co-extruded. Applicants respectfully traverse this rejection and request that Claim 7 be reconsidered in view of these remarks and passed to issue over the Examiner's rejection.

It is true that Wolff discusses the coextrusion of his weather strip. The fact of the matter though, is that Claim 7 depends on Claim 1 which is allowable over Wolff, and claim 7 supplies none of the limitations found in Claim, but not in Wolff. Therefore, Claim 7 is also allowable over Wolff and should be passed to issue. Such action is earnestly solicited.

Regarding Claim 8, the Examiner states that configuration of Wolff's "contactor bulb" (32) will remain relatively invariant as the sidewalls of the foundation bulb deform in response to a load imposed upon a body opening panel. Applicants respectfully traverse this rejection and request that Claim 8 be reconsidered in view of these remarks and passed to issue over the Examiner's rejection.

As shown in Wolff's figures 2, 3 and 4, it is simply not true that Wolff's contactor bulb retains its configuration because the only reason Wolff's "contactor bulb" can seal with side glass 8 is that ceiling lips 36 and 38 are flexible and actually deform to a different configuration as a vacuum is applied to Wolff's cavity 40. Because Claim 8

contains an additional limitation not anticipated by Wolff, Claim 8 is also allowable over Wolff and should be passed to issue. Such action is earnestly solicited.

Regarding Claim 9, the Examiner states that a form-compliant outer contact portion 36, 38 of Wolff's contactor bulb is adapted to engage a closure panel, a flat glass which is closed against Wolff's weather strip. Applicants respectfully traverse this rejection and request that Claim 9 be reconsidered in view of these remarks and passed to issue over the Examiner's rejection.

As set forth in Applicants' Claim 9, only a form-compliant outer contact portion of Applicants' contactor bulb engages a closure panel which is closed against the inventive weather strip. As noted above, Wolff's "contactor bulb" does not contact his glass 8. Rather, elements 36 and 38 contact the glass. These elements are clearly not a contactor bulb. As a result, Claim 9 is allowable over Wolff and should be passed to issue. Such action is earnestly solicited.

Regarding Claim 10, the Examiner states that Wolff discloses a weather strip having a U-shaped armature having an extruded cover comprising a foundation bulb and a contactor bulb. Applicants respectfully traverse this rejection and request that Claim 10 be reconsidered in view of the remarks and passed to issue over the Examiner's rejection.

Regardless of whether Wolff discloses a U-shaped armature having a extruded cover, Wolff does not teach or suggest several limitations set forth in Applicants' Claim 8, from which Claim 10 depends, and as a result Claims 8 and 10 are allowable over Wolff and should be passed to issue. Such action is earnestly solicited.

Regarding Claim 11, the Examiner states the Wolff has a plurality of fin seals for engaging and positioning the carrier upon a flange of a door opening panel.

Regarding Claim 12, the Examiner states that Wolff's fin seals are arranged such that the carrier is adapted to be offset toward the interior of a vehicle. Applicants

respectfully traverse the rejection of Claims 11 and 12 and request that these claims be reconsidered in view of these remarks and passed to issue over the Examiner's rejection.

As set forth above, in connection with Claim 10, Claim 8 is allowable over Wolff because Wolff lacks certain limitations found in Applicants' Claims 1 and 8, from which Claims 11 and 12 ultimately depend, and as a result, each of these claims is allowable over the Examiner's rejection and should be passed to issue. Such action is earnestly solicited.

Regarding Claim 14, the Examiner states that Wolff's device engages a portion of a second one of an opening panel and a closure panel. As stated above, in connection with Claims 1 and 8, Applicants' Claim 14 contains limitation not found in Wolff and neither taught or suggested by Wolff, mainly use of a contactor bulb, use of a contactor bulb supported entirely by a foundation bulb, use of a symmetrical foundation bulb and the use of a contactor bulb having a form-compliant outer wall portion. As a result, Claim 14 is allowable over Wolff and should be passed to issue. Such action is earnestly solicited.

Regarding Claim 15, the Examiner states that Wolff's foundation bulb has sidewalls which deform equally while not changing the configuration of the contactor bulb so as to allow a form-compliant outer contactor portion of the contactor bulb to remain in contact with the second one of opening panel and the closure panel. Applicants respectfully traverse this rejection and request the Claim 15 be reconsidered in view of these remarks and passed to issue over the Examiner's rejection.

As noted above, the configuration of Wolff's contactor bulb changes because his longitudinally extending lips actually bend in the presence of the force applied by pressure exerted on Wolff's flexible material 28 by air passing through hose 48. Moreover, it is not clear that Wolff's foundation bulb sidewalls deform equally. In this regard, the Examiner's attention is drawn to figure 4, wherein it does not appear that Wolff's sidewall deform equally because Wolff's upper sidewall appears to be straighter than Wolff's lower sidewall, which clearly looks to be convex. As a result, limitations within Claim 15 are

not found in Wolff and Claim 15, too, should be passed to issue over the Examiner's rejection. Such action is earnestly solicited.

Regarding Claim 16, the Examiner states that Wolff's weather strip uses sidewalls which are generally convex, citing figures 2 and 4. However, Applicants note that in Wolff's figure 4, the upper sidewall does not appear to be convex. In extended position, it appears to be more linear. Moreover, Claim 16 depends from Claim 15 which is allowable over Wolff and therefore should be passed to issue. Such action is earnestly solicited.

Regarding Claim 18, the Examiner states that once again that Wolff has a contactor bulb supported entirely by a foundation bulb. However, as noted above this simply is not true and Claim 18 is therefore allowable over Wolff. Such action is earnestly solicited.

Regarding Claim 19, the Examiner states that Wolff discloses a door structure according to Claim 18 with the structure to be mounted upon the door opening panel. However, as noted above, Wolff lacks critical limitations found in Claim 18 and therefore Claim 19 as well as Claim 18 are allowable over Wolff and should be passed to issue. Such action is earnestly solicited.

Claim 17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff. The Examiner states that Wolff does not disclose reduced thickness portions controlling a deformation of the sidewalls of the foundation bulb. But, the Examiner takes Official Notice that is well known in the art to use reduced thickness portions to control where elements will deform. The Examiner cites no art in support of her rejection, and Applicants respectfully submit that this is no more than hindsight reconstruction of Applicants' claimed invention. As a result, Claim 17 is allowable over Wolff and should be passed to issue over the Examiner's rejection. Such action is earnestly solicited.

The conclusion urged with respect to Claim 17 is further buttressed by the recitation within Claim 17 that the sidewalls comprise a plurality of links, each having a reduced-thickness region permitting control and equal deformation in response to sealing

loads. It is one thing entirely to talk about reduced thickness, but Applicants have used this to define a link structure which is clearly evident by Applicants' Figures 1, 3 and 4. In sum, Claim 17 is allowable over Wolff and should be passed to issue. Such action is earnestly solicited.

Claims 4, 9 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff in view of Willet, U.S. Publication 2002/0152687, ("Willet"). The Examiner states that Wolff does not disclose an outer contact portion of a contactor bulb being convex and does not disclose a weather seal having an auxiliary seal. For this, the Examiner looks to Willet, which discloses a weather seal with a foundation bulb and a contactor bulb having a convex surface and an auxiliary seal. Applicants respectfully submit, however, that neither Wolff, nor Willett, when taken singly, or in combination with each other, either teach or suggest Applicants' claimed invention as set forth in Claims 4, 9 and 13. This conclusion stems from the consideration that Willett discloses nothing regarding the weather strip having elements claimed in Claim 1 and 8. Moreover, regarding Claim 13, the combination of Wolff and Willet discloses nothing regarding an auxiliary seal having a sacrificial tear strip for positioning the auxiliary seal during installation of the weather strip. As a result, each of Claims 4, 9 and 13 is allowable over the Examiner's rejection and should be passed to issue. Such action is earnestly solicited.

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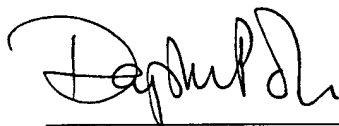
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